

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
HOZAY ROYAL,	:	VIOLATIONS:
a/k/a “James Rubisill,”		18 U.S.C. § 1029(a)(2) and (b)(1) (fraud
a/k/a “James Bararo,”	:	using one or more access devices – 24
a/k/a “James Barbro,”		counts)
a/k/a “John Barbro,”	:	18 U.S.C. §§ 1029(a)(3) and (c)(1)(A)
a/k/a “James Barbaro,”		(possession of 15 or more access devices – 1
a/k/a “Yusef Bilal,”	:	count)
a/k/a “David Crocker,”		18 U.S.C. § 1341 (mail fraud – 82 counts)
a/k/a “James Dennis,”	:	18 U.S.C. § 1343 (wire fraud – 1 count)
a/k/a “Walter Hargrove,”		Notice of additional factors
a/k/a “James Lowery,”	:	Notice of forfeiture
a/k/a “Pierre Nierque,”		
a/k/a “Joe Norris,”	:	
a/k/a “James Richardson,”		
a/k/a “Jorge Rivera,”	:	
a/k/a “Angel Royal,”		
a/k/a “James Royal,”	:	
a/k/a “James Salgado,”		
a/k/a “Henry Williams,”	:	
a/k/a “James Wilson,”		

INDICTMENT

COUNTS ONE THROUGH EIGHTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Defendant HOZAY ROYAL resided at 2241 Reed Street, 1st Floor, Philadelphia, Pennsylvania.
2. 2241 Reed Street, 1st Floor, Philadelphia, Pennsylvania contained one telephone line subscribed to by “Walter Hargrove” that was assigned telephone number 215-389-4023

provided by Verizon Communications (“Verizon”) telephone service.

3. United Parcel Post (“UPS”) and Federal Express (“FedEx”) are commercial interstate carriers, shipping and delivering packages nationwide.

THE SCHEME

4. From in or around February 2002 to in or around June 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

HOZAY ROYAL,

and others known and unknown to the grand jury devised and intended to devise a scheme to defraud multiple businesses and merchants and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

It was part of the scheme that:

5. Defendant HOZAY ROYAL obtained credit card numbers issued to other persons and used those numbers to order merchandise such as clothes, shoes, and computer components, over the telephone from merchants around the United States.

6. When ordering merchandise, defendant HOZAY ROYAL provided the merchant a fictitious name when providing the merchant with the unauthorized credit card number or access device.

7. Pursuant to defendant HOZAY ROYAL’s directions, merchants shipped their merchandise to various locations in Philadelphia, Pennsylvania, via UPS or Fed Ex.

8. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, defendant

HOZAY ROYAL,

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered in interstate commerce, by UPS and Federal Express to Philadelphia, Pennsylvania, based on fraudulent and false use of credit card numbers issued to other persons, merchandise as described below:

COUNT	DATE	MERCHANDISE	MERCHANTS	NAME USED
1	2/27/02	Shoes	Hanlon Shoes, Massachusetts	Walter Hargrove
2	3/7/02	A-Open Keyboard, A- Open speakers, Logitech cordless mouse	SNDI Computers, Maryland	James Wilson
3	3/9/02	Suit, Shirts, Ties	Ingram's Men's Shop, Maryland	James Wilson
4	3/14/02	Suit, Shirts, Ties	Ingram's Men's Shop, Maryland	James Wilson
5	3/10/02	Shirts, Pants, Shoes, Belt	Bonnie & Gordon Store for Men, California	James Royal
6	3/11/02	Suit	Mr. Eddie Shop, Illinois	James Richardson
7	3/11/02	Shoes (separate order)	Mr. Eddie Shop, Illinois	James Richardson
8	3/11/02	Men's clothing	Mark Pasch Ltd., Wisconsin	James Wilson
9	3/12/02	Shoes	Arciuolo's Shoe Store, Connecticut	James Richardson

10	3/13/02	Shoes	Arciuolo's Shoe Store, Connecticut	James Richardson
11	3/15/02	Men's clothing	Mark Pasch Ltd., Wisconsin	James Wilson
12	3/19/02	Men's clothing	Mark Pasch Ltd., Wisconsin	James Wilson
13	3/20/02	Pants, Shirts	Mr. Eddie Shop, Illinois	James Richardson
14	3/21/02	Suit, Purse, Shoes	Bruce's Clothier, Arkansas	Hozay Royal
15	3/21/02	Women's clothing	Dandales Clothing Store, Kansas	James Wilson
16	3/22/02	Jack Victor Suit	Paul Simon for Women Store, North Carolina	James Wilson
17	3/25/02	Pal Zileri Suit	Paul Simon for Women Store, North Carolina	James Wilson
18	3/25/02	Dress, Jacket, Pants (separate order)	Paul Simon for Women Store, North Carolina	James Wilson
19	3/25/02	Suit, Jeans	Charney's Men's & Boy's Apparel, New York	Jorge Rivera
20	3/25/02	Computer components	K.C. Computers, Georgia	James Richardson
21	3/26/02	Computer software and accessories	A.M.B. International, Georgia	James Bararo
22	3/27/02	Computer software and accessories	A.M.B. International, Georgia	James Bararo
23	3/27/02	Women's clothing	Dandales Clothing Store, Kansas	James Wilson

24	3/27/02	Suit, Jacket, Shirts, Jeans	Charney's Men's & Boy's Apparel, New York	Jorge Rivera
25	3/27/02	CardioPulmonary Resuscitation merchandise	Channing Bete Company, Massachusetts	James Dennis
26	3/28/02	Women's clothing	Dandales Clothing Store, Kansas	James Wilson
27	3/28/02	Jackets, Skirts	Paul Simon for Women Store, North Carolina	James Wilson
28	4/2/02	Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
29	4/3/02	Computer software and accessories	A.M.B. International, Georgia	James Bararo
30	4/3/02	Shoes	James Davis Clothing Store, Tennessee	James Rubisill
31	4/4/02	Pants, Shirts	Man's World Clothes, Georgia	David Crocker
32	4/4/02	Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
33	4/5/02	Shoes	Shoes at the Square, North Carolina	Bill Rubisill
34	4/8/02	Suit, Pants	Man's World Clothes, Georgia	James Barbaro
35	4/8/02	Shoes	James Davis Clothing Store, Tennessee	James Rubisill

36	4/8/02	Suits, Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
37	4/8/02	Suits, Shoes (separate order)	Davidson's Clothing for Men, Virginia	James Rubisill
38	4/9/02	Shoes	Shoes on the Square, North Carolina	Bill Rubisill
39	4/10/02	Shoes	Tom James Shoes, South Carolina	James Rubisill
40	4/10/02	View Sonic 15" LCD Monitor, HP Office Jet all in one Printer	DSR Computer Sales & Services, Maryland	James Rubisill
41	4/10/02	Shirts, Ties, accessories	Adler's Big & Tall, Maryland	James Rubisill
42	4/11/02	Shoes	James Davis Clothing Store, Tennessee	James Rubisill
43	4/11/02	3 Men's Suits	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
44	4/12/02	2 Men's Suits, Shoes	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
45	4/12/02	Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
46	4/12/02	2 Men's Suits	319 Men's Store, South Carolina	Bill Rubisill
47	4/15/02	1 Men's Suit, 4 Shirts	319 Men's Store, South Carolina	Bill Rubisill
48	4/15/02	Shoes	Shoes on the Square, North Carolina	Bill Rubisill

49	4/15/02	2 Men's Suits, Pants	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
50	4/15/02	1 Men's Suit, Pants (separate order)	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
51	4/16/02	Shoes	Shoes on the Square, North Carolina	Bill Rubisill
52	4/17/02	Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
53	4/18/02	Shoes	Tom James Shoes, South Carolina	James Rubisill
54	4/18/02	3 Men's Suits	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
55	4/18/02	Shoes	Davidson's Clothing for Men, Virginia	James Rubisill
56	4/18/02	Microsoft Office XP Professional, Norton Antivirus	Management System Services, Inc., Maryland	James Barbaro
57	4/18/02	Men's clothing	Hoffman Clothiers Inc., Maryland	James Barbro
58	4/19/02	Men's clothing	Hoffman Clothiers Inc., Maryland	James Barbro
59	4/19/02	Women's clothing	Lena's Distinctive Fashions, Maryland	James Barbari
60	4/19/02	Pants, Shirt, Cufflinks	319 Men's Store, South Carolina	Bill Rubisill
61	4/24/02	Men's clothing	Henry Torrence Men's Store, Mississippi	James Barbaro

62	4/24/02	Computer Items	Computer Mobile Teck, Inc., Kansas	James Wilson
63	4/24/02	1 Men's Suit	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
64	4/25/02	Shirts, Cufflinks	Union Fashion Ltd., Texas	Angel Royal
65	4/25/02	Shoes (separate order)	Union Fashion Ltd., Texas	Angel Royal
66	4/30/02	2 Men's Suit	Reuben's Men's and Boy's Wear, South Carolina	James Rubisill
67	4/30/02	Reebok Shoes	Glenn's Sporting Goods, West Virginia	James Lowery
68	5/1/02	Shirts, Slacks	Union Fashion Ltd., Texas	Pierre Nierque
69	5/1/02	Shoes (separate order)	Union Fashion Ltd., Texas	Pierre Nierque
70	5/1/02	Palm Pilots	P.C. Supplies, Inc., Delaware	James Lowery
71	5/9/02	Two 17" LCD Monitors	Independent Computer Services Co., Alabama	James Salgado
72	5/13/02	Shoes	Athletic Annex, Indiana	James Salgado
73	5/14/02	Shoes	Athletic Annex, Indiana	James Salgado
74	5/16/02	KDS Laptop Computer	Independent Computer Services Co., Alabama	James Salgado
75	5/30/02	Shoes	Hauff Sporting Goods Store, Nebraska	Joe Norris

76	6/4/02	Shoes	Hauff Sporting Goods Store, Nebraska	Joe Norris
77	6/6/02	Shoes	Cambridge Men's Shop, Alabama	Joe Norris
78	6/13/02	Briefcase, Shoes	Cambridge Men's Shop, Alabama	Joe Norris
79	6/13/02	Watches	Island Companies, Ltd., Grand Cayman Island	Angel Royal
80	6/14/02	2 Watches	Island Companies, Ltd., Grand Cayman Island	Angel Royal
81	6/14/02	Jacket	Cambridge Men's Shop, Alabama	Joe Norris
82	6/26/02	Watches/Earrings	London Jewelers, Grand Cayman Island	Angel Royal

All in violation of Title 18, United States Code, Section 1341.

COUNT EIGHTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.
2. On or about May 2, 2002, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

HOZAY ROYAL,

knowingly and with intent to defraud, possessed fifteen or more unauthorized access devices, that is, approximately 56 credit card account numbers issued by the following banks and financial institutions, thereby affecting interstate and foreign commerce:

American Express

Bank Europe Belgium

Bank of Montreal

BNP Paribas of France

Caisse Nationale Des Caisses D'Epargne of France

Citibank Corp.

Credit Commercial De France

Credit Du Nord of France

Credit Lyonnais of France

Europay France

MBNA

Merrill Lynch Bank

Natexis Banques Populaires of France

Societe Generale Bank of France

In violation of Title 18, United States Code, Section 1029(a)(3).

COUNT EIGHTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 9, 2002 to on or about March 14, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,208.56, from the Ingram's Men's Shop, located in Hagerstown, Maryland, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 9, 2002	\$708.56	Visa 6204	S.J.S.	James Wilson
March 14, 2002	\$500.00	Visa 6204	S.J.S.	James Wilson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT EIGHTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 10, 2002 to on or about April 22, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$2,724.24, from the Tom James Shoes, located in N. Charleston, South Carolina, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 10, 2002	\$968.84	Visa 7175	A.B.	James Rubisill
April 18, 2002	\$1,127.70	Visa 7175	A.B.	James Rubisill
April 22, 2002	\$627.70	Visa 2545	C.G.	James Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT EIGHTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 11, 2002 to on or about March 20, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$2,597.09, from the Mr. Eddie Shop located in Wilmette, Illinois, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 11, 2002	\$1,220.00	MasterCard 3636	J.L.F.	James Richardson
March 11, 2002	\$450.00	MasterCard 1557	S.D.	James Richardson
March 20, 2002	\$927.09	MasterCard 4202	Card Holder from France	James Richardson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT EIGHTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 11, 2002 to on or about March 19, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$2,870.00, from the Mark Pasch Ltd. located in Bayside, Wisconsin, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 11, 2002	\$590.00	Visa 6204	S.J.S.	James Wilson
March 15, 2002	\$1,220.00	Visa 1057	C.B.	James Wilson
March 19, 2002	\$1060.00	MasterCard 9706	Card holder in Belgium	James Wilson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT EIGHTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 21, 2002 to on or about March 28, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,518.00, from the Dandales store, located in Wiichita, Kansas, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 21, 2002	\$960.00	Visa 7155	I.A.	James Wilson
March 27, 2002	\$308.80	Visa 1717	G.C.	James Wilson
March 28, 2002	\$249.20	Visa 1717	G.C.	James Wilson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT EIGHTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 22, 2002 to on or about March 28, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$4,735.00, from the Paul Simon for Women store, located in Charlotte, North Carolina, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 22, 2002	\$640.00	MasterCard 9325	O.P.	James Wilson
March 25, 2002	\$1,125.00	MasterCard 9325	O.P.	James Wilson
March 25, 2002	\$1,740.00	MasterCard 9325	O.P.	James Wilson
March 28, 2002	\$1,230.00	Visa 0475	Card Holder from France	James Wilson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about March 25, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,299.00, from the K.C. Computers, located in Columbus, Georgia, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 25, 2002	\$1,299.00	Visa 2545	C.G.	James Richardson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.
2. From on or about March 25, 2002 to on or about March 27, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,229.66, from the Charney's Men's & Boy's Apparel, located in Syracuse, New York, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 25, 2002	\$447.66	Visa 1717	G.L.	Jorge Rivera, shipped to James Richardson
March 27, 2002	\$782.00	Visa 1717	G.L.	Jorge Rivera, shipped to James Richardson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about March 26, 2002 to on or about April 3, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$3014.19, from the A.M.B. International Co., located in Norcross, Georgia, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 26, 2002	\$583.63	Visa 8411	J.M.A.	James Bararo
March 27, 2002	\$1,600.00	Visa 8411	J.M.A.	James Bararo
April 3, 2002	\$830.56	Visa 8411	J.M.A.	James Bararo

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about March 27, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,302.28, from the Channing Bete Company, located in South Deerfield, Massachusetts, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
March 27, 2002	\$1,302.28	Visa 4031	E.S.	James Dennis

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 2, 2002 to on or about April 18, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$4,885.95, from the Davidson's Clothing for Men, located in Roanoke, Virginia, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 2, 2002	\$635.00	Visa 8411	J.M.A.	James Rubisill
April 4, 2002	\$785.00	Visa 8411	J.M.A.	James Rubisill
April 8, 2002	\$775.00	Visa 8411	J.M.A.	James Rubisill
April 8, 2002	\$1,155.00	Visa 8411	J.M.A.	James Rubisill
April 12, 2002	\$614.35	Visa 2758	F.L.	James Rubisill
April 17, 2002	\$451.30	Visa 2758	F.L.	James Rubisill
April 18, 2002	\$470.30	Visa 2758	F.L.	James Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 3, 2002 to on or about April 11, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$3,700.75, from the James Davis Clothing Store, located in Memphis, Tennessee, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April, 3, 2002	\$1,230.00	MasterCard 9706	Card holder from Belgium	James Rubisill
April 8, 2002	\$1,230.00	MasterCard 9706	Card holder from Belgium	James Rubisill
April 11, 2002	\$1,115.00	Visa 5277	L.C.	James Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 5, 2002 to on or about April 16, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$4,358.43, from the Shoes on the Square store, located in Chapel Hill, North Carolina, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 5, 2002	\$527.64	American Express 81008	P.D., Pepsi Corporate Account	Bill Rubisill
April 9, 2002	\$1,918.15	American Express 81008	P.D., Pepsi Corporate Account	Bill Rubisill
April 15, 2002	\$677.64	American Express 81008	P.D., Pepsi Corporate Account	Bill Rubisill
April 16, 2002	\$1,235.00	American Express 81008	P.D., Pepsi Corporate Account	Bill Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about April 10, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,329.00, from the DSR Computer Sales and Service, located in Elkridge Maryland, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 10, 2002	\$1,244.00	Visa 4441	D.L.N.	James Rubisill
April 10, 2002	\$85.00 (shipping charge)	Visa 4441	D.L.N.	James Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 11, 2002 to on or about April 30, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$4,721.14, from the Reuben's Men's & Boy's Wear, located in Charleston, South Carolina, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 11, 2002	\$907.37	Visa 7175	A.B.	James Rubisill
April 12, 2002	\$788.78	Visa 7175	A.B.	James Rubisill
April 15, 2002	\$776.67	Visa 7175	A.B.	James Rubisill
April 15, 2002	\$400.99	Visa 7175	A.B.	James Rubisill
April 18, 2002	\$999.76	Visa 7175	A.B.	James Rubisill
April 24, 2002	\$342.39	MasterCard 1165	D.C.P. and M.P.	James Rubisill
April 30, 2002	\$505.18	Visa 5277	L.C.	James Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT NINETY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 12, 2002 to on or about April 19, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$3,868.00, from the 319 Men's Store, located in Charleston, South Carolina, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 12, 2002	\$1,870.00	MasterCard 0253	M.R.	Bill Rubisill
April 15, 2002	\$1,430.00	MasterCard 0253	M.R.	Bill Rubisill
April 19, 2002	\$568.00	MasterCard 0253	M.R.	Bill Rubisill

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 18, 2002 to on or about April 30, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,918.79, from the Hoffman Clothiers, Inc., located in Hagerstown, Maryland, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 18, 2002	\$544.75	Visa 2676	P.N.	James Barbro
April 19, 2002	\$722.82	Visa 2676	P.N.	James Barbro
April 30, 2002	\$651.22	Visa 6831	M.R.	John Barbro

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about April 18, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,349.60, from the Octavia, Inc., located in Baltimore, Maryland, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 18, 2002	\$1,349.60	Visa 6831	M.R.	James Barbaro

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about April 24, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,385.46, from the Henry Torrence Men's Store, located in Jackson, Mississippi, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 24, 2002	\$1385.46	MasterCard 3135	D.D.L.G.	James Barbaro

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about April 24, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,815.46, from the Computer Mobile Teck, Inc., located in Wichita, Kansas, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 24, 2002	\$1,815.46	Visa 8411	J.M.A.	James Wilson

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about April 25, 2002 to on or about May 1, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,692.49, from the Union Fashion, Ltd., located in El Paso, Texas, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
April 25, 2002	\$230.00	Visa 2676	P.N.	Angel Royal
April 25, 2002	\$236.80	Visa 2676	P.N.	Angel Royal
May 1, 2002	\$730.69	Visa 2676	P.N.	Pierre Nierque
May 1, 2002	\$495.00	Visa 2676	P.N.	Pierre Nierque

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about May 9, 2002 to on or about May 16, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately 2,500.00, from the Independent Computer Services Company, located in Florence, Alabama, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
May 9, 2002	\$1,100.00	MasterCard 9299	G.G.	James Salgado
May 16, 2002	\$1,400.00	MasterCard 3141	W.L.	James Salgado

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about June 6, 2002 to on or about June 14, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,878.00, from the Cambridge Men's Shop, located in Birmingham, Alabama, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
June 6, 2002	\$409.00	American Express 81009	R.G.	Joe Norris
June 13, 2002	\$814.00	American Express 81009	R.G.	Joe Norris
June 14, 2002	\$655.00	American Express 81009	R.G.	Joe Norris

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From on or about June 13, 2002 to on or about June 14, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$3,670.75, from the Island Companies, Ltd., located in Grand Cayman Island, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
June 13, 2002	\$1,950.00	American Express 21001	C.D.	Angel Royal
June 14, 2002	\$1,720.75	American Express No.s 15004 and 81005	C.D. and E.M.	Angel Royal

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. On or about June 26, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

HOZAY ROYAL,

knowingly and with the intent to defraud, used, and attempted to use, an unauthorized access device, described below, and by such conduct obtained things with an aggregate value of \$1,000 or more during a one-year period, that is, approximately \$1,135.50, from the London Jewelers, located in Grand Cayman Island, as follows:

Date of Transaction	Amount of Transaction	Unauthorized number (last 4 digits)	Initials of Actual Holder	Fictitious Name Used
June 26, 2002	\$1,135.50	American Express 71026	B.N.	Henry Williams and Joe Norris

thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

COUNT ONE HUNDRED NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs five and six of Counts One through Eighty-Two are incorporated here.

2. From in or around February 2002 to in or around June 2002, defendant

HOZAY ROYAL

devised and intended to devise a scheme to defraud multiple businesses and merchants and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

It was part of the scheme that:

3. Defendant HOZAY ROYAL used the telephone located at 2241 Reed Street, 1st Floor, Philadelphia, PA, assigned telephone number (215) 389-4023, subscribed to in the name of Walter Hargrove, to contact businesses and merchants in other states and purchase merchandise.

4. During telephonic conversations with businesses and merchants, defendant HOZAY ROYAL provided false and fictitious names and provided unauthorized credit card account numbers issued to other persons as payment for ordered items and merchandise.

5. On or about March 15, 2002, defendant HOZAY ROYAL telephonically contacted the Canouan Beach Hotel, St. Vincent, Grenadines, from the telephone located at 2241 Reed Street, 1st Floor, Philadelphia, Pennsylvania, and misrepresented that he was James Dennis, a representative of Visa and MasterCard.

6. Defendant HOZAY ROYAL then induced the Canouan Beach Hotel to

send by telephone facsimile transmission the open credit card charges for that day, threatening that unless the facsimile was sent, no credit card charges would be honored.

5. Defendant HOZAY ROYAL caused merchandise to be delivered via UPS from various states of the United States to various addresses, including various addresses in Philadelphia, Pennsylvania.

6. On or about March 15, 2002, in the Eastern District of Pennsylvania and elsewhere, defendant

HOZAY ROYAL,

for the purpose of executing the scheme described above, and attempting to execute the scheme, caused to be transmitted by means of wire communication in interstate and foreign commerce signals and sounds, specifically, a facsimile transmission of unauthorized credit card numbers and information from the Canouan Beach Hotel in St. Vincent, Grenadines, to Kinko's Copy Centers, located in Philadelphia, Pennsylvania..

All in violation of Title 18, United States Code, Sections 1343.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One through One Hundred Nine of this indictment, defendant HOZAY ROYAL:

a. Committed an offense in which the loss exceeded \$70,000, as described in U.S.S.G. § 2B1.1(b)(1).

b. Committed an offense involving 50 or more victims, as described in U.S.S.G. § 2B1.1(b)(2)(B).

2. In committing the offense charged in Counts One through One Hundred Nine of this indictment, defendant HOZAY ROYAL:

a. Committed the instant offense while under a criminal justice sentence, that is, probation, as defined by U.S.S.G. § 4A1.1(d).

b. Committed the instant offense less than two years after release from imprisonment on a sentence of imprisonment of at least sixty days, as defined by U.S.S.G. § 4A1.1(b) and (e).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation(s) of Title 18, United States Code, Sections 1029, 1341, 1343 and 1349, set forth in this indictment, the defendant

HOZAY ROYAL

shall forfeit to the United States of America any property that constitutes, or is derived from proceeds obtained directly or indirectly from the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of at least \$ 70,000, and all computer and electronic equipment, jewelry, clothing, and all other items obtained as result of these offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 981(a)(1)(B), 982(a)(2) and Title 18, United States Code, Section 2461.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney